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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,440	04/14/2004	Bruce Bent	049212-0102	8474
22428 7590 07/15/2010 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER PATEL, JAGDISH	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 07/15/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,440

**Applicant(s)**

BENT ET AL.

**Examiner**

JAGDISH N. PATEL

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 5/5/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-50,60-68,83 and 86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-50,60-68,83 and 86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/5/05, 3/31/10, 3/30/10, 3/26/10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to the amendment filed with supplemental declaration filed on 5/5/10.
2. The Examiner acknowledges response filed 5/5/10 to obviate rejection of claims 32-50, 60-68, 83 and 86 under 35 USC 251 based on defective reissue oath/declaration. While the later is accepted as resolving the issues raised in the rejection, a new supplemental reissue oath/declaration may be necessitated to address amendment to the claims to resolve new issues raised in this office action. Furthermore claim mapping and statements of support in the specification must also be accordingly provided. The Examiner regrets the burden imposed by this new action. However, due to complexities of the claimed subject matter and the deficiencies addressed herein it was deemed not efficient to resolve such matters via telephone interviews.

***Claim Rejections - 35 USC § 112***

3. Claims 32-50, 60-68, 83 and 86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 recites that the administering comprises processing transaction data (which data) comprising data for ..more than six withdrawals ..within a month. However, determining a net transaction states that the aggregating is done on a regular periodic basis. It is unclear how aggregating is impacted by the limits on the number of withdrawals being more than six within a month. Please explain this anomaly and/or correct as appropriate.

Likewise, claim 31 recites that the act of depositing or withdrawing funds from the single money market deposit account (MMDA) at the second banking institution (BI) based on the information on the net transaction, with the withdrawing funds comprising withdrawing funds from the single insured money market account comprises ..more than six times during a month and transferring the funds to the first banking institution. This limitation positively recites that funds are withdrawn more than six times from the single MMDA with specifying what specific information causes such frequency of withdrawal. In fact, the information on the net transaction may not require such withdrawal activity under all circumstances. Thus, the statement regarding withdrawing funds from the single MMDA more than six times a month is not supported by the claim and results in the claim being indefiniteness.

Note that the information about the net transaction (and resulting depositing funds to or withdrawing the funds from the single MMDA) is sent only once.

The obtaining data for an amount of interest from the second BI is presumably obtained at computer at the first BI but not clearly stated. Block 145 of Figure shows the (data for) interest earned on the single MMDA is sent to the deposits database at the first computer. At col. 5, L 32-43, describes "client's portion of the single deposit account.

The claim does not state a step that addresses the "the respective amounts determined for the respective accounts". Therefore, no antecedent basis is provided this limitation consistent with the aforementioned specification text.

Furthermore, the step of updating the database requires that the clients' deposits and withdrawal are also updated based on the interest distributed to the respective amounts.

Independent claims 41 recite also contain similar deficiencies. Additional analysis of claim 41 shows the following deficiencies causing the claim(s) to be indefinite.

In reference to step e. "managing said single insured money market deposit account" ...

- assessing by one or more computers should be clearly stated as being "located at the second banking institution

- does not recite the origin of the "aggregate activity of said plural transaction accounts" since this information is not sent from the first BI to the second BI. It is noted that such information must be tied to the "respective period" which is not clearly defined.

- no antecedent basis provided for the limitation "the asset adjustment" in the "sending information step under step e.

- the sending step stated above does specify where the information is sent and what are the specifics of the information that facilitates implementation of the withdrawal of funds as specifically stated ("more than six (6) times during a month").

- the determining step recites "a total amount of funds of the client transaction account", here the term "account" should read "accounts" and basis for the total interest determination for each client account must be provided. (see claim 32 analysis). See next item.

- the respective amounts determined for the respective client accounts lacks positive antecedent basis. How the respective amounts are calculated must be specified.

- Furthermore, the step of updating the database requires that the clients' deposits and withdrawal are also updated based on the interest distributed to the respective amounts.

Claim 60 should be amended to resolve deficiencies similar to those identified for claims 32 and 41 thus specifically pointing out each process of the claim without any ambiguity.

All dependent claims are rejected on the same grounds as their respective parent claims discussed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on Monday – Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693